IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

OP.No. 21203 of 2001(Y)

PETITIONER:

P.SAVITHRI,
RTD. PRINCIPAL,
GOVT. VOCATIONAL HIGHER SECONDARY SCHOOL
FOR GIRLS, KASARAGOD, RESIDING AT RUGMINI KALYAN
NELLIKUNNU, KASARAGOD.

BY ADV. SRI.P.K.MUHAMMED

RESPONDENTS:
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1. **THE DIRECTOR, VOCATIONAL HIGHER SECONDARY SCHOOL OF EDUCATION, THIRUVANANTHAPURAM.**

2. **THE ASSISTANT DIRECTOR VOCATIONAL HIGHER SECONDARY SCHOOL OF EDUCATION, REGIONAL OFFICE, PAYANOOR.**

3. **THE PRINCIPAL, VOCATIONAL HIGHER SECONDARY SCHOOL(GIRLS), KASARAGOD.**

4. **THE DEPUTY DIRECTOR OF EDUCATION, KASARAGOD.**

BY GOVERNMENT PLEADER SMT. K.R.DEEPA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO. 34503/2001 IN OP NO. 21203/2001 Y.

DISMISSED

27/07/2007. **SD/- KURIAN JOSEPH, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 COPY OF THE ORDER ISSUED TO THE PETITIONER BY THE AG(A&E) DT. 27/7/00.

EXT.P2. COPY OF THE LIABILITY CERTIFICATE BY THE R4 DT. 7/5/01.

EXT.P3. COPY OF THE SHOW CAUSE NOTICE ISSUED TO THE PETITIONER BY THE R4 DT. 28/2/2001.

EXT.P4. COPY OF THE REPLY SENT BY THE PETITIONER TO THE R4 DT. 10/5/01.

EXT.P5. COPY OF THE PROTEST NOTE TO THE AG DT. 12/06/2001.

EXT.P6. COPY OF THE LETTER ISSUED BY THE R4 DT. 1/6/2001.

RESPONDENT'S EXHIBITS **NIL.**

True copy

tga

KURIAN JOSEPH J.

O.P. NO.21203 OF 2001

Dated 27th July, 2007.

J U D G M E N T

Petitioner objected to the fixation of liability as per Ext.P3. It is submitted that the petitioner did not respond to Ext.P3 within the time granted. Be that as it may, since the issue pertains to the fixation and since admittedly Ext.P4 has been received by the 4th respondent Deputy Director, it is only appropriate that the matter is considered by the 4th respondent on merits, ignoring the objection that the reply was received belatedly. Accordingly, there will be a direction to the 4th respondent to consider Ext.P4 on merits with notice to the petitioner and take appropriate action in accordance with law in the matter. It is made clear that any amounts withheld from the DCRG due to the petitioner and released after a period of one year of retirement shall carry interest at the rate of 8% from the date of expiry of one year of retirement. The needful as above shall be done within a period of three months from the date of production of a copy of the judgment, ignoring the orders to the contra passed in the matter.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO.21203 OF 2001

J U D G M E N T

Dated 27th July, 2007.